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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,909	08/05/2002	Robin William Luck	34550	1275

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EXAMINER	
MAUST, TIMOTHY LEWIS	
ART UNIT	**PAPER NUMBER**
3751	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/089,909	LUCK, ROBIN WILLIAM
	Examiner	Art Unit
	Timothy L Maust	3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 August 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/10/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

Claim 8 is objected to because of the following informalities: In line 2, "dispending" should be - - dispensing - -. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 9 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Eppley.

In regard to claims 1 and 9, the Eppley reference discloses a "portable tool box" 10 comprising a "container" 12 having a "lid" 14, a "compressor" 52 and "vent" 44, as claimed.

In regard to claim 2, "compressor" 52 is electrically connected to "connection box" 50.

In regard to claims 3 and 12, see column 4, line 65 through column 5, line 5.

In regard to claim 4, an internally mounted "clip" (unlabeled) holds test component 20 to the underside of lid 14.

In regard to claim 5, see "pneumatic hose" 32 and "tool" 24 in Figure 2.

In regard to claim 6, see quick connect/disconnect 38 in Figures 1 and 3.

In regard to claim 8, the device is capable of operating a dispensing gun.

In regard to claim 11, see "pressure relief valve" 30 in Figure 2.

In regard to claim 13, see fuses 54 and 56 in Figure 4.

Claims 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Alvarez.

In regard to claims 15-19, the method as claimed would be inherent during normal use and operation of the device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eppley in view of Miles.

The Eppley reference discloses the invention substantially as claimed (discussed supra) including a "handle" (unlabeled, see Fig. 8), but does not disclose having wheels. However, the Miles reference discloses another portable tool box having "wheels" 19 in order to more easily transport the tool box. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Eppley tool box to have wheels in view of the teachings of the Miles reference in order to more easily transport the tool box.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eppley.

Eppley discloses the invention as claimed (discussed supra), but does not disclose the tool box being made of high impact polymer. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the Eppley device of a high impact polymer, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its

suitability for the intended use as a matter of obvious design choice. *In re Leshin*,125 USPQ 416

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eppley in view of Miles.

The Eppley reference discloses the invention substantially as claimed (discussed supra), but does not disclose a locking lid. However, the Miles reference discloses another portable tool box having a "lock" 17 in order to safely secure items within the tool box. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Eppley tool box to have a lock in view of the teachings of the Miles reference in order to safely secure items within the tool box.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Maust whose telephone number is (703) 308-3390. The examiner can normally be reached on Tue. - Fri. 6:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Timothy L Maust
Primary Examiner
Art Unit 3751

TIm
3/9/04